

DENNIS J. HERRERA, State Bar #139669
City Attorney
WAYNE SNODGRASS, State Bar #148137
CHRISTINE VAN AKEN, State Bar #241755
JEREMY M. GOLDMAN, State Bar #218888
Deputy City Attorneys
1 Dr. Carlton B. Goodlett Place
City Hall, Room 234
San Francisco, California 94102-4682
Telephone: (415) 554-4633
Facsimile: (415) 554-4699
E-Mail: christine.van.aken@sfgov.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

THE AMERICAN BEVERAGE
ASSOCIATION, CALIFORNIA RETAILERS
ASSOCIATION, CALIFORNIA STATE
OUTDOOR ADVERTISING
ASSOCIATION,

Plaintiffs,

vs.

THE CITY AND COUNTY OF SAN
FRANCISCO,

Defendant.

Case No. 3:15-cv-03415 EMC

**STIPULATION AND [PROPOSED] ORDER
DISMISSING COUNT I AND COUNT II OF
COMPLAINT**

Trial Date: None set

1 WHEREAS, Count I and Count II of Plaintiffs' Complaint challenges San Francisco Ordinance
2 No. 98-15 as in violation of the First and Fourteenth Amendments to the United States Constitution;

3 WHEREAS, subsequent to the filing of the Complaint, the City and County of San Francisco
4 repealed Ordinance No. 98-15; and

5 WHEREAS, the parties agree that Plaintiffs' challenges to Ordinance No. 98-15 are now moot,
6 the parties therefore now stipulate and agree that Count I and Count II of the Complaint shall be
7 dismissed without prejudice, with each side to bear its own fees and costs respecting Count I and
8 Count II of the Complaint, but nothing in this stipulation shall impact the parties' rights with respect to
9 their continuing dispute concerning the validity of San Francisco Ordinance No. 100-15.

10 **IT IS SO STIPULATED.**

11
12 Dated: June 2, 2016

DENNIS J. HERRERA
City Attorney
WAYNE SNODGRASS
CHRISTINE VAN AKEN
JEREMY M. GOLDMAN
Deputy City Attorneys

13
14
15
16 By: s/Christine Van Aken
CHRISTINE VAN AKEN

17
18 Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

19
20 Dated: June 2, 2016

LATHAM & WATKINS LLP

21
22
23 By: *s/James K. Lynch
JAMES K. LYNCH
24 RICHARD P. BRESS
25 MICHAEL E. BERN
MARCY C. PRIEDEMAN

26 Attorneys for Plaintiff
27 THE AMERICAN BEVERAGE ASSOCIATION
28

1 Dated: June 2, 2016

GIBSON, DUNN & CRUTCHER LLP

2
3
4
5 By: *s/Theodore B. Olson
THEODORE B. OLSON
6 ANDREW S. TULUMELLO
7 HELGI C. WALKER
JACOB T. SPENCER
8 CHARLES J. STEVENS
JOSHUA D. DICK

9 Attorneys for Plaintiff
10 CALIFORNIA STATE OUTDOOR
ADVERTISING ASSOCIATION

11
12 Dated: June 2, 2016

KNOX, LEMMON & ANAPOLSKY, LLP

13
14
15 By: *s/Thomas S. Knox
16 THOMAS S. KNOX

17 Attorneys for Plaintiff
18 CALIFORNIA RETAILERS ASSOCIATION

19 *Pursuant to GO 45, the electronic signatory has
20 obtained approval from this signatory.

21 **ORDER**

22 Pursuant to stipulation, IT IS SO ORDERED.

23
24 Dated: 6/3/16

25 THE HONORABLE
26 United States District Judge

